

Minutes of the Monday, June 10, 2019 regular meeting of the Kill Devil Hills Board of Commissioners held at 5:30 p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Mayor Sheila F. Davies, Ph.D.; Commissioners Terry Gray;

Mike Hogan; Skip Jones; and John Windley

Members Absent: None

Others Present: Debora P. Diaz, Town Manager; Meredith Guns, Planning Director; Casey Varnell, Town Attorney; Mary E. Quidley, Town Clerk

Call to Order

At 5:32 p.m. Mayor Davies called this meeting of the Kill Devil Hills Board of Commissioners to order and welcomed all present.

Town Manager Debbie Diaz was called for jury duty and will join the meeting if she is able.

Pledge of Allegiance and Moment of Silence

Agenda Approval

On motion by Commissioner Hogan, seconded by Commissioner Jones, the agenda for this meeting was approved as presented by unanimous vote, 5-0.

Public Hearing

1. Town Manager's Recommended Budget for Fiscal Year 2019/2020; possible action (Attached PH-1)

The Town Manager's Recommended Budget for Fiscal Year 2019/2020 was presented on May 13, 2019 for the Board's consideration in accordance with the Local Government Budget and Fiscal Control Act. The budget worksession and public hearing were scheduled at that meeting. At the May 20, 2019 budget worksession, the Board made no changes to the recommended document.

The Town Attorney reviewed the rules of procedure for this public hearing and at the conclusion, there being no one who had signed up in advance to speak, Mr. Varnell called for anyone who wished to address the recommended budget during this public hearing. There were no speakers.

Comment was turned over to the Board of Commissioners. Mayor Davies asked if the Board members were prepared to take action on the budget at this meeting. Commissioner

Windley complimented the worksession process and explained that it had been very helpful to him in understanding the complexities of the budget. There being no further comment, the public hearing was closed.

Commissioner Hogan made a motion for the Board of Commissioners to adopt the Operating Budget for the Town of Kill Devil Hills for Fiscal Year 2019/2020 and the corresponding fee schedule, as presented. Commissioner Jones seconded that motion and approval was unanimous, 5-0.

Public Comment

Betsy Brothers, 1211 B South Virginia Dare Trail, Kill Devil Hills: Ms. Brothers directed her comments to the “mega” houses that have been popular to construct for some time. Her house is on the Town’s historic register. Her family’s home has been on the beach in Kill Devil Hills for 70 years; it is one of several cottages in the same area that have been owned by the same families for generations. Her home has been placed on the historic preservation list for Kill Devil Hills. Lately, there have been drastic changes – family members have passed on, nearby properties have been sold. Although the property owners in the neighborhood knew that development would eventually come along, the changes have been very difficult. Recently, a neighboring oceanfront property has sold and there is much concern that one of the mega structures will be built, with the potential for disrupting all nearby properties by increasing the noise factor, traffic, beach count populations, window/porch views, flooding potential, etc. These changes have been very difficult, even heart-wrenching for old-time property owners, although everyone knew it would happen. Ms. Brothers stated that SAGA Construction advertises that some of the very large houses can hold 100 people. She added that she felt it difficult to compare her house and her long-time family friends’ houses with the mega structures, all of which are termed “single-family dwellings.”

Ms. Brothers asked the Board of Commissioners to consider the services demanded by the mega houses, and the effects the houses can have on the Town. She acknowledged that it is possibly too late to keep these type of structures from being constructed near her family home, but she hoped the Board would think about what’s going on and the fact that Kill Devil Hill’s as it has always been known is being lost.

Elizabeth Dolan, 1121 B South Virginia Dare Trail, Kill Devil Hills: Ms. Dolan explained that she is Ms. Brothers’ daughter. Her grandparent constructed the house at 1121 B South Virginia Dare Trail in 1949. She reiterated that the other property owners in the area of their beach house are a neighborhood of family and friends. Recent renovations were completed with the intent to make the house a permanent, year-round home. Ms. Dolan explained that through working with a catering service she had witnessed some of the downfalls of the large houses: foul language, lack of a neighborhood feeling, crowds, increased noise, etc. She stressed that she did not want the neighborhood feel to be compromised by large houses.

Ms. Dolan reviewed the Town’s Mission Statement, and primarily directed her comments to it:

The Town of Kill Devil Hills is dedicated to enhancing the quality of life for all citizens and property owners by providing the maximum level of service in the most effective and efficient manner while exercising sound fiscal responsibility. We value: citizen participation, honesty and integrity, unity and teamwork, fairness and equity and our unique natural environment. Our desire is for Kill Devil Hills to be recognized as a wonderful place to live, where our citizens receive high quality services, our employees work in an atmosphere of respect and support and our leadership stimulates cooperation and innovation in our community.

Ms. Dolan felt the quality of life for her neighborhood would diminish due to construction of the commercial-type, mega houses on nearby properties. She concluded her statement by asking, where will all of these people fit on the beach? So many people, she felt, want Kill Devil Hills to stay the way it is, and Ms. Dolan asked the Board of Commissioners to be the initiative that fights against the mega houses. She asked them to picture their own homes sandwiched in between such large houses with only 10-foot side yard setbacks; would the BOC members want that?

John Woolard, Sr., 1229 South Virginia Dare Trail, Kill Devil Hills: Mr. Woolard explained that he had owned and operated the Outer Banks Trading Post, a Kill Devil Hills business, for more than 20 years, and has been a Town resident for more than 50 years. He asked the Board of Commissioners to think about what will happen to the Town if the mega houses are allowed to continue to be constructed. You cannot imagine the trouble we are going to have. Mr. Woolard concluded by asking the Board to try to keep Kill Devil Hills the way it was, to some extent.

Mrs. Harriet Woolard, 1229 South Virginia Dare Trail, Kill Devil Hills: Mrs. Woolard explained that their home has been registered as an historic home in Kill Devil Hills, and each year, when the Town acknowledges its historic homes she and her husband have opened it to visitors. Last year, for this special event, there were more than 150 people who visited the Woolard home. She asked the Board of Commissioners to consider, when future development decisions are made, the families whose homes have owned property here for generations.

Martha Vaughn, 1217 C Virginia Dare Trail, Kill Devil Hills: Ms. Vaughn first approached the Board about her concerns on mega house structures at the April 2019 public forum. She stated that she felt the Board of Commissioners is not necessarily in support of mega houses, as she is not either. Ms. Vaughn posed several follow-up questions to her comments from the Public Forum and they were addressed by the Board and Planning Director Meredith Guns:

- Regarding lot coverage, it was explained that the State of North Carolina does not regulate lot coverage percentages. That is a Town responsibility.
- Mayor Davies explained that the Town cannot regulate construction of residential properties based on the number of bedrooms. The North Carolina Building Code is the regulating authority.

- Regarding septic capacity for large houses, Ms. Guns explained that many of the mega houses are connecting to the private utility, KDHWTP, LLC, since properties they tend to be located on cannot accommodate necessary capacity for the large houses.
- Mayor Davies explained that several years ago the Board of Commissioners considered the issue of large houses, reviewing analyses information prepared by Staff, and discussing the issue with the Planning Board. At the conclusion of these discussions the Board of Commissioners declined to take action.

Response to Public Comment

Commissioner Jones explained that construction of the large houses is not a new concept; it's been going for five to 10 years or cycle, and picked up in popularity as the Outer Banks became a popular wedding destination location. Visitors began to want larger "event" houses which would accommodate extended families, guest parties, weddings/ceremonies, and other events. He also explained that he has been part of a group which has pursued potential residential construction definition changes at the State level which would more accurately define residential "event" houses. Without a true explanation and definition of what these houses are, which is neither single-family residential nor commercial, the Town's regulatory abilities are limited.

Introductions and Presentations

1. Trash Attack! poster awards and recognitions

Trash Attack! Chairperson Sandie Markland presented this year's Trash Attack! poster awards; Vice Chairperson Chris Marek could not be present. There were 23 entries from 22 students for this year's poster contest. The Town uses the submitted artwork in a variety of ways to remind people to keep Kill Devil Hills clean and litter free, including refuse collection truck vinyl panels, signs for our recreation areas and facilities, and on social media.

The poster contest winners were as follows:

Honorable Mentions

Emerson Glaser
 Natalie Rollins
 Nolan Rollins

Third Place

Jill O'Dell

Second Place

Lola Rubino

First Place

Chase Davies

This year's Trash Attack! community clean-up event was held Saturday, April 6, 2019, at the Town's Aviation Park and more than 125 volunteers and Town Staff participated. The Public Services Department estimates that 20 cubic yards of trash, along with three tons of bulk items, were collected as a result of Trash Attack!

One of the Town's residential collection trucks was parked outside the Meeting Room with Chase Davies' winning poster on the side, which encouraged everyone to keep Kill Devil Hills clean and free of litter.

2. Outer Banks Sporting Events – 2018 year in review

Jenny Ashe of Outer Banks Sporting Events attended this meeting to update the Town on the organization's 2018 activities and upcoming events. (A copy of the PowerPoint show she conducted is filed with the minutes of this meeting.)

Ms. Ashe concluded her presentation by thanking the Board for their support and for Staff's assistance and support each year and stated how much OBSE looks forward to working with the Town in the future. She presented Kill Devil Hills with framed artwork commemorating last year's marathon event.

3. Presentation of Eagle Scout Project – Cannon Arthur Metcalf

Eagle Scout Cannon Metcalf designed and constructed book exchange houses for two of Kill Devil Hills' beach accesses. Cannon attended this meeting to formally donate his project to the Town.

The Board of Commissioners was very appreciative and complimentary of Cannon's project and thanked him for taking this project on and making it a reality. Cannon was also congratulated on succeeding becoming an Eagle Scout. Staff will have the book houses erected at two of the Town's ocean accesses.

4. 2019 Ocean Rescue Guards and adoption of Proclamation on Rip Current Awareness Month in Kill Devil Hills (Attached IP-4)

Fire Chief Troy Tilley, Ocean Rescue Supervisor David Elder, and Assistant Ocean Rescue Supervisor Ben Battaile, presented this season's Ocean Rescue Guards. Each guard introduced himself/herself to the Board of Commissioners with information on their number of service years with the Town.

Addressing the *Proclamation on Rip Current Awareness Month*, Mayor Davies explained that beaches represent a precious recreational resource. Residents and visitors alike are drawn to these beaches year-round for water and beach activities. The aquatic environment has dangers, particularly rip currents that can be effectively managed through public awareness and the vigilance of professional lifeguards.

For reasons of public safety, an annual reminder of the joys and hazards associated with the beach and ocean are appropriate at the beginning of the busy summer beach season. Residents and visitors alike must remember:

- Learn to swim
- Swim near a lifeguard
- Swim with someone
- Check with the ocean rescue guards

- Use sunscreen and drink plenty of water
- Obey posted signs and flags
- Keep the beaches and water clean
- Learn rip current safety
- Enter water feet first

The Town of Kill Devil Hills invites everyone to enjoy our beaches and to take appropriate protection measures.

Commissioner Hogan made a motion for the Board of Commissioners to adopt the Proclamation on *National Beach Safety/ Rip Current Awareness Month*. Commissioner Gray seconded that motion and approval was unanimous, 5-0.

Assistant Ocean Rescue Supervisor Ben Battaile introduced the Board of Commissioners to Ocean Rescue's new Facebook page that strictly provides information on water and beach conditions. The URL code for this site can be scanned by cell phones for up-to-date information. At this time, the code appears on the 2019 Tide Charts, and some signs in Kill Devil Hills. It will be promoted.

KDH Ocean Rescue



Beach Conditions

Mayor Davies, also explained that the Ocean Rescue Division has received recertification from the United States Lifesaving Association - Lifeguard Agency Certification Program. Each of the ocean guards is an emergency medical responder, the training for which goes along with regular lifeguard training,

The Mayor announced a special thanks to the Fire Department, which participated in a statewide smoke alarm canvass program on June 1st. This is the second year of participation, and reaching out in the Pine Grove Trail area, the Fire Department checked 35 homes; installed 11 new smoke alarms; and replaced batteries in six smoke alarm units. This outreach gives the Fire Department an opportunity to reach out to the community, conduct safety discussions, and visit community members, along with performing the smoke alarms services.

The Board thanked the Ocean Rescue Division and Fire Department and stressed the importance of providing surf, water and beach conditions to each week's new visitor population – giving them the information they need to make informed decisions about swimming, surfing, boating, etc.

Old Business

New Business

1. Proposed Amendment to Chapter 130, General Offenses, Smoking In and On Municipal Facilities (Attached NB-1)

At its April 24, 2019, meeting, the Board of Commissioners directed Staff to update the Town's smoking ordinance under Chapter 130 General Offenses to address issues of e-cigarettes and vaping products. The draft ordinance makes changes within §130.40 – §130.47 to address those newer products, aligning them with the limitations currently in place for tobacco products in Town buildings and facilities. Staff recommended approval of the draft ordinance as presented, which was reviewed and approved by the Town Attorney.

Commissioner Windley made a motion for the Board of Commissioners to approve the amendment to Chapter 130, General Offenses, Smoking In and On Municipal Facilities. Commissioner Jones seconded that motion and approval was unanimous, 5-0.

Committee Reports

Commissioner Windley

- He asked the Town Manager if the signs above the cigarette receptacles at the beach accesses and she replied that they had. He also asked if Staff knew how much those receptacles might be being used. The Town Manager replied that she was not aware of whether or not the containers had been emptied and how many butts might have been collected; however, Staff will look into that.
- Commissioner Windley announced upcoming meetings of the Town's Community Appearance Commission, and the community Neighborhood Watch Group.
- He called attention to the latest notice about formation of the West-side Recreation Group, and encouraged anyone interested to submit an application for appointment.

Commissioners Agenda

Commissioner Gray

- He also spoke about the West-side Recreation Group and what an asset it will be to the Town.

Commissioner Jones

- Commissioner Jones called attention to the recently completed drainage project, including sidewalks construction, in front of the Dare Centre and was very complimentary of the new visual that shopping center has because of the improvements.

Commissioner Windley

- Expressed appreciation to representatives of Dare County Emergency Medical Services who were able to help him with a Cub Scout program on extremely short notice; they did an outstanding job, Commissioners Windley stated.
- Commissioner Windley attended the recent Tiny Home Festival, which was a lot of fun and educational.
- Commissioner Windley commended Commissioner Gray, and the audience agreed, on his recent selection as Dare County Citizen of the Year for all his work to help local children.

Commissioner Hogan

- He also attended the Tiny Home Festival and agreed that it was a lot of fun and is supposed to be bigger next year.
- Commissioner Hogan also congratulated Commissioner Gray.

Mayor's Agenda

Mayor Davies reminded everyone that the new Kill Devil Hills PAWS Park will open on Tuesday, June 25, 2019 at 5:30 p.m. with a special demonstration by the Town's Police Department K-9, hotdogs/hamburgers, gift bags, t-shirt sales, and rabies vaccinations.

Mayor Davies also announced that the reusable bags in the audience seats this evening were compliments of the Community Appearance Commission. They contain some valuable information, gifts, and announcements.

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

1. Minutes (Attached CA-1A and 1B)

- A. May 13, 2019
- B. May 20, 2019

2. Monthly Report (Attached CA-2A)

- A. April 2019

3. Dog park t-shirts

Construction of the Town's dog park is nearly complete and we should be able to announce the opening date at this meeting. Special t-shirts have been ordered for resale and Staff proposes a fee of \$14.99 each. With tax, the total will be \$16.00 for a good quality, one-of-a-kind shirt. Staff also proposes recordation of the sales money in the same account it is taken from, Special Events, so that more t-shirts may be ordered using the original appropriation and profit, without needs of a budget amendment.

Approval of the Consent Agenda recorded the Board's approval of this request and concept.

Staff recommended approval of the Consent Agenda as presented.

Commissioner Gray made a motion to approve the Consent Agenda as presented and Commissioner Hogan seconded that motion. Approval was unanimous, 5-0.

Public Comment

Response to Public Comment

Adjourn

There being no further business before this time, Commissioner Jones made a motion for this meeting to be adjourned. Commissioner Hogan seconded that motion and approval was unanimous, 5-0.

It was 6:50 p.m.